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Federal Communications Commission
Office of the Secretary

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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Federal Communication Commission
Bureau / Office

In the Matter of

Request for Review
of the Decision of the
Universal Service Administrator

Roosevelt Elementary School District No. 66

Schools and Libraries
Universal Service Support Mechanism

DOCKET FILE COPY ORIGINAL

Application No. 245714

CC Docket No. 02-6

To: The Chief, Wireline Competition Bureau

**REQUEST FOR REVIEW
OF DECISION OF THE
UNIVERSAL SERVICE ADMINISTRATOR**

NextiraOne, LLC ("NextiraOne"), by its attorneys and pursuant to Section 54.719(c) of the Commission's rules, 47 C.F.R. § 54.719(c), respectfully requests that the Commission review and reverse the February 10, 2005 Decision on Invoice Appeal (the "Decision") of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") with respect to the above-referenced application of Roosevelt Elementary School District No. 66 (the "Applicant").

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I. Issues Presented

This request for review presents the following questions: (1) whether NextiraOne has demonstrated that it initiated services for the Applicant within the timeframe set forth in SLD guidelines; (2) whether the SLD exceeded its authority by denying payment to NextiraOne after

services were performed; and (3) whether the SLD and the Commission may refuse to honor their commitment to pay for the services performed by NextiraOne.

II. Background

On or about February 8, 2002, USAC approved the Applicant's Funding Request Number ("FRN") 606794 to acquire internal connections from NextiraOne for Funding Year 4, and committed to pay for discounted services up to the amount of \$1,799,415.29; this amount subsequently was adjusted to a commitment to pay for discounted services up to \$1,797,309.39. *See Attachment 1.*

In June 2003, NextiraOne installed the equipment USAC had committed to fund. The work was performed at 13 separate locations: Brooks, Chavez, Conchos, Greenfield, J.F. Kennedy, Jorgensen, Julian, M.L. King, Rosa Linda, Sierra Vista, Southwest, Sunland, and Valley View. For each site, NextiraOne obtained from the Applicant a Certificate of Delivery and Acceptance ("D&A"). *See Attachment 2.* The D&As indicate that installation occurred on June 16, 2003 for five sites and on June 23, 2003 for eight sites. By signing each D&A, the Applicant "accept[ed] the Equipment and software ... as installed and acknowledge[d] that the System is in operation in accordance with the manufacturer's specifications." *Id.*

On or about August 25, 2003, the Applicant submitted Form 486, Receipt of Service Confirmation Form, to USAC ("Form 486"). *Attachment 3.* The Form 486 was completed by the Applicant's contact person, Rene Castaneda. *See id.* at 2, 4.

On or about January 28, 2004, NextiraOne submitted invoice No. 457366 (which bears NextiraOne's internal reference number 16427-KC) (the "Invoice") to USAC for payment. *See Attachment 4.* On February 24, 2004, the Applicant's representative, Mr. Castaneda, signed a Service Certification form, which shows a Discounted Invoice Amount of \$1,731,716.06. *See*

Attachment 5. In response to the item “Date Services Delivered and Installed” on the Service Certification Form, Mr. Casteneda, wrote the date December 19, 2002. *Id.*

On November 5, 2004, the SLD denied the Invoice. The sole reason stated for the denial of the Invoice was “Service Received Date before Late 486 Adjusted Start Date”; no explanation was provided. *See Attachment 6*.

On January 4, 2005, NextiraOne submitted to the SLD an appeal of the denial of the Invoice.¹

III. NextiraOne Has Shown That the Service Start Date Was Timely

By letter dated February 10, 2005, the SLD denied in full NextiraOne’s appeal. Attachment 8. Under “Explanation,” the SLD stated:

Information provided indicated that services were delivered outside the dates for which discounts applied. You did not demonstrate otherwise in your appeal. Consequently SLD denies your appeal because these services were not delivered within the program rules for the service delivery period. Ref. 47 C.F.R. 54.507.d

In light of substantial information submitted by NextiraOne demonstrating that the service start date did not occur “outside the dates for which discounts applied” – information which the SLD failed to consider or even discuss – the Commission should remand this matter to the SLD and direct USAC to approve payment of the Invoice.

The SLD requires the filing of a Form 486 by applicants “to confirm that services have been received or have already started.” Service Provider Manual, Chapter 6, Form 486 Notification Letter (available at www.sl.universalservice.org/vendor/manual/chapter6.asp). According to the SLD, “[t]he Form 486 is the applicant’s way of letting SLD know that it is okay

¹ A copy of the appeal, excluding attachments (many of which are included as attachments to this Request for Review) is Attachment 7.

for the Service Provider to begin invoicing USAC.” *Id.* On its Form 486 dated August 25, 2003, the Applicant indicated a “Funding Year Service Start Date” of June 9, 2003. Attachment 3 at 4. SLD guidelines further state that Form 486 must be received by USAC or “postmarked no later than 120 days after the Service Start Date featured on the Form 486 or 120 calendar days after the date of the Funding Commitment Decision Letter[,] whichever is later.” *See* www.sl.universalservice.org/reference/Form486Deadlines.asp. *See also Order*, 18 FCC Rcd 5466, 5467 (WCB 2003). As noted above, the Applicant’s Form 486 stated that June 9, 2003 was the service start date; the Form 486 was timely filed in accordance with SLD guidelines on or about August 25, 2003.

In its appeal to the SLD, NextiraOne submitted records showing that the service start date in fact occurred in June 2003. Specifically, NextiraOne demonstrated that:

- It installed the equipment associated with the Invoice at 13 separate sites in June 2003.
- Contemporaneously with the installation, the Applicant signed Certificates of Delivery and Acceptance for each site at which installation occurred, attesting to the fact that installation occurred in June 2003. *See Attachment 2*.
- In the Form 486 it submitted to USAC in August 2003, the Applicant certified to a June 2003 service start date. Attachment 3 at 4.

Thus, NextiraOne provided substantial evidence demonstrating that the service start date was timely. Nonetheless, the SLD, in denying the appeal, stated only that “[i]nformation provided indicated that services were delivered outside the dates for which discounts applied. You did not demonstrate otherwise in your appeal.” The SLD provided no further explanation, failed even to cite the information that “indicated that services were delivered outside the dates for which discounts applied.”

*NextiraOne can only assume that the "information" to which the SLD referred was a Service Certification form signed by the Applicant on February 24, 2004, which indicated a December 19, 2002 service start date.² Assuming that this was the case, the SLD, at a minimum, should have acknowledged the discrepancy between this information and the Form 486, and should have explained why it would rely on a single item while ignoring entirely other information, including the Form 486, which was contemporaneous with the actual service start date. NextiraOne does not know why the Service Certification form indicated a service start date of December 19, 2002. That date not only is inconsistent with the D&As which the Applicant signed in June 2003, at the time of installation, it also is inconsistent with the Form 486 that the Applicant already had signed and submitted to USAC, which also indicated a June 2003 service start date. In any event, it appears that the SLD relied, without investigation or explanation, on erroneous information, to the exclusion of other information provided by both NextiraOne and the Applicant establishing the service start date in June 2003 and demonstrating that services were *not* in fact "delivered outside the dates for which discounts applied." The SLD's reliance solely on one incorrect piece of information cannot justify denying payment of the Invoice for services fully and timely performed by NextiraOne.*

The same representative of the Applicant provided two different service start dates. The SLD cited nothing to support the erroneous December 2002 date; however, the SLD did have other evidence to support the June 2003 start date stated in the Form 486. Specifically, NextiraOne provided the D&As signed by the Applicant – signed, in fact, by Mr. Casteneda, the Applicant's Director of Technology, who also signed both the Form 486 and the erroneous

² Consequently, at a minimum, the Commission should require the SLD to explain its decision and the information on which it relied.

Service Certification Form. Moreover, the appeal was supported by the Declaration of a company representative, in accordance with SLD requirements, attesting to the correct service start date.³

In sum, the available information does not lead to the conclusion that services were delivered outside the dates for which discounts applied. To the contrary, there is substantial information showing that service initiation was timely, in accordance with the SLD's guidelines. The Commission must correct the SLD's failure to consider this information.

IV. The SLD Exceeded Its Authority Under the E-rate Program

Regardless of whether the services NextiraOne performed for the Applicant were initiated "outside the dates for which discounts applied," as the SLD asserts, the SLD has no authority to withhold payment under the circumstances presented. Notwithstanding the SLD's references to "the program rules" and Section 54.507(d),⁴ no provision of the Commission's rules justifies the SLD's failure to pay the Invoice.

No light is shed on the SLD's decision by its reference, at the end of its "explanation" for denying payment of the Invoice, to Section 54.507(d) of the Commission's rules. See Attachment 8 ("Ref. 47 C.F.R. 54.507.d"). That rule states:

(d) Annual filing requirement. Schools ... shall file new funding requests for each funding year no sooner than the July 1 prior to the start of that funding year. Schools ... must use recurring services for which discounts have been committed by [USAC] within the funding year for which the discounts were sought. The deadline for implementation of non-recurring services will be September 30

³

The individual was identified as the NextiraOne representative who could most readily discuss the appeal with USAC, and his contact information was provided. However, neither the representative nor any other person representing the company was contacted by the SLD after NextiraOne filed its appeal with the SLD and provided evidence that the service start date occurred in June 2003.

⁴

Attachment 8, at 1.

following the close of the funding year. An applicant may request and receive from [USAC] an extension of the implementation deadline....

This rule has no apparent relevance to the SLD's stated reason for the denial and does nothing to explain the SLD's rationale. The rule says nothing about the contents or timing of the filing of Form 486; it does not refer to Form 486 specifically, nor does it indicate even generally what information service providers and applicants must submit in order to demonstrate that payment of USAC's commitment to fund has become due. In short, the rule has no applicability to this matter.

When the Commission adopted rules establishing an organizational structure for administration of the E-rate program, it cited Congressional intent that the entity selected to administer the program must be:

limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) [and] may not administer the programs in any manner that requires that entity to interpret the intent of Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

Changes to the Board of Directors of the National Exchange Carrier Association, Inc.; Federal-State Joint Board on Universal Service, Third Report and Order, Fourth Order on Reconsideration, and Eighth Order on Reconsideration, 13 FCC Rcd 25058, 25066 (1998). Following this explicit guidance from Congress, the Commission adopted a structure for USAC that is "exclusively administrative." *Id.* at 25067.

In denying payment of the Invoice, the SLD went beyond its "exclusively administrative" functions. The SLD denied payment on the grounds that "services were delivered outside the dates for which discounts applied." However, the Commission has no rule setting forth a specific time period before, during, or after which service must begin or be completed. Nor does

any Commission rule specify an interval between the service start date and payment for services. And certainly nothing in the Commission's rules suggests that if vendor performs services for which USAC approved funding, the vendor will not be paid.

Both the Commission's Inspector General and, most recently, the Government Accountability Office ("GAO"), have identified as a fundamental flaw in the E-rate program the lack of specificity in the Commission's rules and the consequence that the SLD routinely attempts to fill in the gaps, resulting in actions that may exceed the SLD's authority. According to the GAO,

[a]s part of its oversight of the E-rate program, FCC is responsible for establishing new rules and policies for the program and making changes to existing rules, as well as for providing the detailed guidance that USAC requires to effectively administer the program. FCC carries out this responsibility through its rulemaking process. FCC's E-rate rulemakings, however, have often been broadly worded and lacking specificity. Thus, USAC has needed to craft the more detailed administrative procedures necessary to implement the rules.... However, ... although USAC is prohibited from making policy, some USAC procedures arguably rise to the level of policy decisions.

United States Government Accountability Office, Report to the Chairman, Committee on Energy and Commerce, House of Representatives, *Greater Involvement Needed by FCC in the Management and Oversight of the E-rate Program*, February 2005 ("GAO Report"), at 27. Denial of payment of an invoice, after making a commitment to fund and after the services have been performed, based solely on an unexplained determination that services were not timely delivered, is the very type of "policy decision" which the SLD has no authority to make.

Significantly, the GAO Report also noted that the Commission has never established any penalty for E-rate program participants who "violate a USAC administrative procedure that has not been codified" in the Commission's rules. *Id.* at 30. One of the concerns noted by the GAO was denial of an application based on a "violation" of a USAC procedure that has not been

codified. *Id.* The instant situation exemplifies the GAO's concern; NextiraOne has been penalized by the SLD's arbitrary and unauthorized denial of payment for services performed after the SLD granted an application and made a funding commitment.

V. The SLD and the Commission Must Honor the Funding Commitment

In February 2002, USAC, the entity entrusted with the responsibility to administer the Universal Service Fund (the "USF") and the payment of obligations from the USF, committed to the Applicant and NextiraOne that USAC would fund the non-discounted portion of the Applicant's purchase of internal connections for Funding Year 4. Nearly two years after NextiraOne satisfied its obligations to the Applicant, USAC continues to avoid making good on its funding commitment. Having made that commitment, USAC may not now refuse payment based on standards or criteria that never have been codified in any Commission rule.

The GAO recently explained the binding nature of a USAC funding commitment letter:

The funding commitment decision letters ... notify [schools] of the decisions regarding their E-rate discounts. In other words, it notifies them whether their funding is approved and in what amounts. The funding commitment decision letters also notify schools ... that the information on the approved E-rate discounts is sent to the providers so that "preparations can be made to begin implementing ... E-rate discount(s) upon the filing ... of ... Form 486." The applicant files Form 486 to notify USAC that services have started and USAC can pay service provider invoices. At the time a school ... receives a funding commitment decision letter, the FCC has taken an action that accepts a "legal duty ... which could mature into a legal liability by virtue of actions on the part of the grantee beyond the control of the United States." [citations omitted] In this instance, **the funding commitment decision letter provides the school ... with the authority to obtain services from a provider with the commitment that it will receive a discount and the provider will be reimbursed for the discount provided.** While the school ... could decide not to seek the services or the discount, so long as the funding commitment decision letter remains valid and outstanding, USAC and FCC no longer control USF's liability; it is dependent on the actions taken by the other party....

GAO Report at 52-53 (emphasis added). *See also id.* at 17 (“[T]he funding commitment decision letter provides the school or library with the authority to obtain services from a provider with the commitment that the school or library will receive a discount and the service provider will be paid for the discounted portion with E-rate funding....”).

The SLD made a commitment to fund the Applicant’s purchase of eligible services from NextiraOne. NextiraOne relied on this commitment when it proceeded with the delivery and installation of those eligible services for the Applicant. Because no rule violation occurred, because there is substantial evidence that NextiraOne in fact complied with informal SLD procedures, and because no Commission rule permits the SLD and the Commission now to revoke their commitment, the Invoice must be paid.

VI. Conclusion

WHEREFORE, the foregoing premises duly considered, NextiraOne respectfully requests that the Commission grant this request for review and remand to the SLD with instructions to immediately pay the Invoice.

Respectfully submitted,

NEXTIRAONE, LLC

By:


E. Ashton Johnston

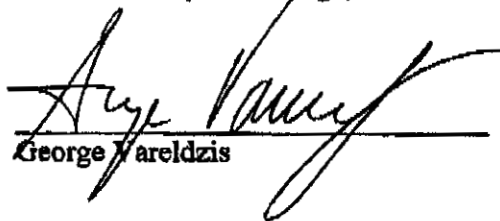
DLA PIPER RUDNICK GRAY CARY US LLP
1200 19th Street, N.W.
Washington, D.C. 20036
Tel: (202) 861-3900
Fax: (202) 689-7525

April 8, 2005

DECLARATION

I, George Vareldzis, hereby declare under penalty of perjury of the laws of the United States of America, that:

1. I am the Vice President, Finance Administration, of NextiraOne, LLC.
2. I have read and am familiar with the foregoing request for review, and the information set forth therein is true and correct to the best of my knowledge, information and belief.


George Vareldzis

April 8, 2005

Attachment 1

FUNDING COMMITMENT REPORT

Service Provider Name: NextiraOne LLC
Service Provider Identification Number: 143004436

Funding Request Number: 606754
Form 471 Application Number: 245714
Form 470 Application Number: 615690000303349
Name of 471 Applicant: ROOSEVELT ELEM SCHOOL DIST 66
Applicant Street Address: 6000 S 7TH ST
Applicant City: PHOENIX
Applicant State: AZ
Applicant Zip: 85040-4209
Entity Number: 142913
Name of Contact Person: Rene Castaneda
Preferred Mode of Contact: PHONE
Contact Information: (602) 243-4800
Funding Year: 07/01/2001 - 06/30/2002
Funding Status: Funded
Contract Number: N/A
Services Ordered: Internal Connections
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 12/01/2000
Contract Award Date: 01/09/2001
Earliest Possible Effective Date of Discount: 07/01/2001
Contract Expiration Date: 06/30/2002
Total Estimated Monthly Recurring Charges: \$0.00
Portion of Total Estimated Monthly Recurring Charges that is Ineligible: \$0.00
Eligible Monthly Pre-Discount Amount for Recurring Charges: \$0.00
Number of Months Recurring Service Provided in Program Year: 12
Annual Pre-Discount Amount for Eligible Recurring Services: \$0.00
Annual Non-Recurring Charges: \$1999350.32
Portion of Annual Non-Recurring Charges that is Ineligible: \$0.00
Annual Eligible Pre-Discount Amount for Non-Recurring Charges: \$1999350.32
Total Program Year Pre-Discount Amount: \$1999350.32
Applicant's Approved Discount Percentage: 90
Funding Commitment Decision: \$1799415.29 - FRN approved as submitted
Technology Plan Approval Status: Approved
Wave Number: 014
Applicant Letter Date: 02/08/2002

FORM 486 NOTIFICATION LETTER
FUNDING COMMITMENT REPORT
(Funding Year 2001)

Service Provider Name: NextiraOne LLC
Service Provider Identification Number: 143004436

Funding Request Number: 606794
Form 471 Application Number: 245714
Form 470 Application Number: 615690000303349
Name of 471 Applicant: ROOSEVELT ELEM SCHOOL DIST 66
Address of 471 Applicant: 6000 S 7TH ST
Applicant City: PHOENIX
Applicant State: AZ
Applicant Zip: 85040-4209
Entity Number:
Name of Form 471 Contact Person: Rene Castaneda
Form 471 Preferred Mode of Contact: PHONE
Form 471 Contact Information: 602-243-4800
Name of Form 486 Contact Person: RENE CASTANEDA
Address of Form 486 Contact: 6000 S 7TH STREET
City of Form 486 Contact: PHOENIX
State of Form 486 Contact: AZ
Zip Code of Form 486 Contact: 85042
Fax of Form 486 Contact: 602-232-4978
Telephone of Form 486 Contact: 602-243-4800
E-mail Address of Form 486 Contact: CASTANEDAR@RSD.K12.AZ.US
Funding Year: 07/01/2001 - 06/30/2002
Contract Number: N/A
Services Ordered: Internal Connections
Billing Account Number:
Service Start Date: 04/28/2003*
Service Start Date Change Explanation: 120-DAY 486 DEADLINE
Contract Expiration Date: 09/30/2003
Total Program Year Pre-discount Amount: \$1,999,350.32
Applicant's Approved Discount Percentage: 90%
Funding Commitment Decision: \$1,797,309.39

Attachment 2

46022769

Customer Number: 1515631 Southwest LAN Extension
 Project Number: SAP # 16799
 Sales Order Number: FRN # 606794 P.O. # 4566

Billing Address: Roosevelt School District
 6000 South 7th St.
 Phoenix AZ. 85040

Contact Name: Elizabeth Bernal

Phone: 602-305-6650

Acceptance Date: 6-16-03

Please Select the Appropriate Box:

☒ **Cash Payment Acceptance**

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

☐ **Lease Acceptance**

Customer has entered into either a ☐ NextiraOne Protection Plan or Lease Agreement with NextiraOne, LLC ("NextiraOne") or a Lease Agreement with GE Capital Corporation, as applicable (each, a "Lease"). Customer acknowledges the equipment and software described in the Lease (the "System"): (i) is installed at the Premises set forth below; (ii) is operating in accordance with the manufacturer's specifications; (iii) that the Customer's execution of this certificate of Delivery and Acceptance does not relieve Customer of any obligation to make payment due under any JO or CSO issued by NextiraOne at Customer's direction. The System is irrevocably accepted for purpose of the Lease. The Lease will commence as of the date set forth above and payment is due thereunder without deduction, setoff, or abatement.

ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ. 85282

City/State/Zip

(SIGNATURE) 

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6-16-03

ACCEPTED:

Roosevelt School District/ Southwest

Customer Name

1111 West Dobbins

Premises

Phoenix, AZ. 85040

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/16/2003

nextiraOne

Certificate Of Delivery And Acceptance

40022763

Customer Number: 1515651 Greenfield LAN Expansion
 Project Number: SAP #s 16780
 Sales Order Number: PRN #s 606794 P.O.# 4569

Billing Address: Roosevelt School District
 6000 South 7th St.
 Phoenix AZ 85040

Contact Name: Elizabeth Bernal

Phone: 602-305-6650

Acceptance Date: 6-16-03

Please Select the Appropriate Box:

☒ Cash Payment Acceptance

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in the Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tampa, AZ 85282

City/State/Zip

(SIGNATURE)

By (Installed By)

Gene Monta

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6-16-03

ACCEPTED:

Roosevelt School District/ Greenfield

Customer Name

7009 S. 10th St.

Premises

Phoenix, AZ 85040

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/16/2003

nextiraOne

Certificate Of Delivery And Acceptance

40022784

Customer Number: 1515651 Kennedy LAN Expansion
 Project Number: SAP #1 16781
 Sales Order Number: FRN #1 606794 P.O. #4393

Billing Address: Roosevelt School District
 6000 South 7th St.
 Phoenix AZ. 85040

Contact Name: Elizabeth Bernal

Phone: 602-303-6650

Acceptance Date: 6-16-03

Please Select the Appropriate Box:

☒ Cash Payment Acceptance

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in the Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ. 85282

City/State/Zip

(SIGNATURE)

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

6-16-03

Date

ACCEPTED:

Roosevelt School District/ Kennedy

Customer Name

6825 S. 10th St.

Premises

Phoenix, AZ. 85040

City/State/Zip

(SIGNATURE)

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

6/16/2003

Date

nextiraOne

Certificate Of Delivery And Acceptance

40022775

Customer Number: 1515651 Valley View LAN Expansion
 Project Number: SAP #1 16801
 Sales Order Number: FRN #s 606794 P.O.# 4399

Billing Address: Roosevelt School District
 6000 South 7th St.
 Phoenix AZ, 85040

Contact Name: Elizabeth Bernal Phone: 602-305-6650

Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ **Cash Payment Acceptance**

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in the Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

☐ **Lease Acceptance**

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ, 85282

City/State/Zip

(SIGNATURE) *G. Moats*

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6/23/03

ACCEPTED:

Roosevelt School District/ Valley View

Customer Name

8220 S. 7th Ave.

Premises

Phoenix, AZ, 85041

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/23/03

nextrOne

Certificate Of Delivery And Acceptance

400227168

Customer Number: 1515651 Julian LAN Expansion
 Project Number: SAP #s 16785
 Sales Order Number: FRN #s 606794 P.O. #4602

Billing Address: Roosevelt School District
 6000 South 7th St.
 Phoenix AZ. 85040

Contact Name: Elizabeth Bernal Phone: 602-305-6650

Acceptance Date: 6-16-03

Please Select the Appropriate Box:

☒ **Cash Payment Acceptance**

Customer has entered into either a ☐ NexiraOne, LLC ("NexiraOne") purchasing agreement or ☒ an Order pursuant to NexiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NexiraOne, Nexira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in the Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

☐ **Lease Acceptance**

Customer has entered into either a ☐ NexiraOne Protection Plan or Lease Agreement with NexiraOne, LLC ("NexiraOne") or a Lease Agreement with GE Capital Corporation, as applicable (each, a "Lease"). Customer acknowledges the equipment and software described in the Lease (the "System"): (i) is installed at the Premises set forth below; (ii) is operating in accordance with the manufacturer's specifications; (iii) that the Customer's execution of this certificate of Delivery and Acceptance does not release Customer of any obligation to make payment due under any JCO or CSO issued by NexiraOne at Customer's direction. The System is irrevocably accepted for purpose of the Lease. The Lease will commence as of the date set forth above and payment is due thereunder without deduction, setoff, or abatement.

ACKNOWLEDGED:

NexiraOne, LLC
 2801 South Fair Lane
 Address
 Tempe, AZ. 85282
 City/State/Zip

(SIGNATURE)

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6-16-03

Implementation & Installation charges combined with Chavez on invoice 90177498

ACCEPTED:

Roosevelt School District/ Julian
 Customer Name
 7149 E. Carver Dr.
 Address
 Phoenix, AZ. 85041
 City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/16/2003

nextiraOne

Certificate Of Delivery And Acceptance

40022771

Customer Number: 1513651 Chavez LAN Expansion
 Project Number: SAP # 16777
 Sales Order Number: FRN #s 606794 P.O.# 4603

Billing Address: Roosevelt School District
 6000 South 7th St.
 Phoenix AZ. 85040

Contact Name: Elizabeth Bernal

Phone: 602-305-6630

Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ **Cash Payment Acceptance**

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

☐ **Lease Acceptance**

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ. 85282

City/State/Zip

(SIGNATURE)

By (Installed By)

Gene Moars

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6/23/03

ACCEPTED:

Roosevelt School District/ Chavez

Customer Name

309 E. Hill

Premises

Phoenix, AZ. 85040

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/23/03

nextiraOne**Certificate Of Delivery And Acceptance**

40022782

Customer Number: 1515651 Brooks LAN Extension
Project Number: SAP #s 16776
Sales Order Number: FRN #s 606794 P.O.#4597

Billing Address: Roosevelt School District
6000 South 7th St.
Phoenix AZ, 85040

Contact Name: Elizabeth Bernal Phone: 602-305-4650

Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ **Cash Payment Acceptance**

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to a NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

☐ **Lease Acceptance**

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ, 85282

City/State/Zip

(SIGNATURE)

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6/23/03

ACCEPTED:

Roosevelt School District/ Brooks

Customer Name

3146 E. Wier Ave.

Premises

Phoenix, AZ, 85041

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/23/03

nextiraOne

Certificate Of Delivery And Acceptance

400 22766

Customer Number: 1515651 Concho LAN expansion
Project Number: SAP # 16778
Sales Order Number: FRN #s 606794 P.O.# 4368

Billing Address: Roosevelt School District
6000 South 7th St.
Phoenix AZ. 85040

Contact Name: Elizabeth BernalPhone: 602-303-6650Acceptance Date: 6-16-03

Please Select the Appropriate Box:

☒ Cash Payment Acceptance

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in the Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

☐ Lease Acceptance

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ACKNOWLEDGED:

NextiraOne, LLC2801 South Fair LaneAddressTempe, AZ. 85282City/State/Zip(SIGNATURE) [Signature]By (Installed By)Gene MoatsNameProject ManagerTitle602-458-8428(Phone)Date6-16-03

ACCEPTED:

Roosevelt School District/ I. G. ConchoCustomer Name1718 W. VineyardPremisesPhoenix, AZ. 85041City/State/ZipByRene CastanedaNameDirector of TechnologyTitle602-243-4878(Phone)Date6/16/2003



Certificate Of Delivery And Acceptance

40022762

Customer Number: 1515651 Jorgensen LAN Extension
Project Number: SAP #s 16784
Sales Order Number: FRN #s 606794 P.O. # 4598

Billing Address: Roosevelt School District
6000 South 7th St.
Phoenix AZ, 85040

Contact Name: Elizabeth Bernal Phone: 602-305-6630

Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ Cash Payment Acceptance

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to a NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ, 85282

City/State/Zip

(SIGNATURE) 

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6/23/03

ACCEPTED:

Roosevelt School District/ Jorgensen

Customer Name

1701 West Rooster

Premises

Phoenix, AZ, 85041

City/State/Zip

By 

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/23/03



Certificate Of Delivery And Acceptance

400 22776

Customer Number: 1515651 M.L. King LAN Expansion
Project Number: SAP #'s 316787 116767
Sales Order Number: FRN #'s 606794 P.O.# 4595

Billing Address: Roosevelt School District
6000 South 7th St.
Phoenix AZ, 85040

Contact Name: Elizabeth Berna

Phone: 602-305-6650

Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ Cash Payment Acceptance

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to a NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ, 85282

City/State/Zip

(SIGNATURE)

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6/23/03

ACCEPTED:

Roosevelt School District/ M. L. King

Customer Name

4615 S. 22nd St.

Premises

Phoenix, AZ, 85040

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/23/03

nextiraOne

Certificate Of Delivery And Acceptance

40022772

Customer Number: 1513651 Rose Linda LANExpansion
 Project Number: SAP #s 16793
 Sales Order Number: FRN #s 606794 P.O.# 4596
 Billing Address: Roosevelt School District
6000 South 7th St.
Phoenix AZ, 85040
 Contact Name: Elizabeth Bernal Phone: 602-305-6650
 Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ **Cash Payment Acceptance**

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to a NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

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ACKNOWLEDGED:

NextiraOne, LLC
2801 South Fair Lane
Address
Tempe, AZ, 85282
City/State/Zip
(Signature) P. Moats
By (Installed By)
Gene Moats
Name
Project Manager
Title
602-458-8428
(Phone)
6/23/03
Date

ACCEPTED:

Roosevelt School District/ Rose Linda
Customer Name
4610 S. 12th St.
Premises
Phoenix, AZ, 85041
City/State/Zip
(Signature) Rene C
By
Rene Castaneda
Name
Director of Technology
Title
602-243-4878
(Phone)
6/23/03
Date



Certificate Of Delivery And Acceptance

40022764

Customer Number: 1515631 Sierra Vista LAN Extension
Project Number: SAP #s 16797
Sales Order Number: FRN #s 606794 P.O.#4600

Billing Address: Roosevelt School District
6000 South 7th St.
Phoenix AZ. 85040

Contact Name: Elizabeth Bernal Phone: 602-303-6630

Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ Cash Payment Acceptance

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to a NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane

Address

Tempe, AZ. 85282

City/State/Zip

(SIGNATURE) *Gene Moats*

By (Installed By)

Gene Moats

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6/23/03

ACCEPTED:

Roosevelt School District/ Sierra Vista

Customer Name

6401 S. 16th Street

Premises

Phoenix, AZ. 85040

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4878

(Phone)

Date

6/23/03

nextiraOne

Certificate Of Delivery And Acceptance

40022765

Customer Number: 1313631 Sunland LAN Extension
 Project Number: SAP #s 16800
 Sales Order Number: FRN #s 606794 P.O.# 4601

Billing Address: Roosevelt School District
6000 South 7th St.
Phoenix AZ, 85040

Contact Name: Elizabeth Bernal Phone: 602-305-6650

Acceptance Date: 6/23/03

Please Select the Appropriate Box:

☒ **Cash Payment Acceptance**

Customer has entered into either a ☐ NextiraOne, LLC ("NextiraOne") purchasing agreement or ☒ an Order pursuant to a NextiraOne master ordering agreement as applicable ("Agreement"). The Agreement may have been executed by NextiraOne, Nextira LLC or Williams Communications Solutions, LLC. Customer hereby accepts the Equipment and software described in Agreement (the "System") as installed and acknowledges that the System is in operation in accordance with the manufacturer's specifications.

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ACKNOWLEDGED:

NextiraOne, LLC

2801 South Fair Lane
Address
Tempe, AZ, 85282
City/State/Zip

(SIGNATURE) P. Mont

By (Installed By)

Geno Monts

Name

Project Manager

Title

602-458-8428

(Phone)

Date

6/23/03

ACCEPTED:

Roosevelt School District/ Sunland

Customer Name

3401 S. 7th Street

Premises

Phoenix, AZ 85041

City/State/Zip

By

Rene Castaneda

Name

Director of Technology

Title

602-243-4378

(Phone)

Date

6/23/03

Attachment 3

Schools and Libraries Universal Service Receipt of Service Confirmation Form

FCC Form 486: To be completed by the Billed Entity
Please read instructions before completing.

Estimated Average Burden Hours For First Submission: 15.0 hours
For Subsequent Submissions: 1.5 hours

Applicant's Form Identifier **N e x t i r a 4 8 6**

(Create your own code to identify THIS Form 486.)

Form 486-A (10/01/00)

To be completed by the Billed Entity

Block 1: Billed Entity Information

1. Name of Billed Entity

R o o s e v e l t S c h o o l D i s t r i c t

2. Billed Entity Number

1 4 2 9 1 3

3. Funding Year

2 0 0 1

4. Complete Mailing Address of Billed Entity
Street Address, P.O. Box or Route Number

6 0 0 0 S 7 t h s t r e e t

City

P h o e n i x

State

Zip Code

A Z 8 5 0 4 2

Telephone Number

Extension

Fax Number

6 0 2 2 4 3 4 8 0 0 4 8 7 8 6 0 2 2 3 2 4 9 7 8

Email Address

c a s t a n e d a r @ r s d . k 1 2 . A Z . u s



Entity Number

142913

Applicant's Form Identifier

Nextira 486

Contact Person

Rene Castaneda

Phone Number

602-243-4800

5. Contact Person Information

Contact Person Name

Rene Castaneda

Street Address, P.O. Box or Route Number

6000 S. 7th Street

City

Phoenix

State

Zip Code

AZ 85042

Check the box next to the preferred mode of contact. (At least one box MUST be checked.)

☒ Telephone Number

Extension

Fax Number

602 243 4800 4878 602 232 4978

Email Address

castanedar@rsd.k12.AZ.US

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

NOTICE: The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the form will be used to inform the Schools and Libraries Division of the Universal Service Administrative Company that a billed entity, and/or the schools and libraries that it represents, has begun or has planned to begin to receive service after receiving a funding commitment approval pursuant to FCC Form 471.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of an FCC statute, regulation, rule or order, your application may be referred to the federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party in a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you do not provide the information requested on the form, your application may be returned without action or your application may be delayed.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 19.0 hours for the first submission and 1.5 hours for subsequent submissions, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.



Entity Number

142913

Applicant's Form Identifier

Nextira 486

Contact Person

Rene Castaneda

Phone Number

602-243-4800

Block 2: Early Filing Information and CIPA Waiver Requests**6a. Early Filing**

CHECK THE BOX BELOW IF THE FRNS ON THIS FORM 486 ARE FOR SERVICES STARTING ON OR BEFORE JULY 31 OF THE FUNDING YEAR.

The Funding Requests listed in Block 3 have been approved by SLD as shown in my Funding Commitment Decision Letter (PCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.

Remember: Early filing using Item 6a is an option if and ONLY if services will start within the month of July of the relevant Funding Year, all relevant certifications in Block 4 can be accurately made, and the Form 486 is postmarked on or before July 31 of the Funding Year.

6b. CIPA Waiver

CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR THE SECOND FUNDING YEAR AFTER APRIL 20, 2001 IN WHICH YOU HAVE APPLIED FOR DISCOUNTS IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY.

I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year after April 20, 2001 in which they apply for discounts.

6c. CIPA Waiver for Libraries for Funding Year 2004

CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR FUNDING YEAR 2004 IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY FOR THE LIBRARY(IES) REPRESENTED ON THIS FORM 486.

I am providing notification that, as of the date of the start of discounted services in Funding Year 2004, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the libraries represented in the Funding Request Number(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of the Funding Year 2005.





Block 3: Service Information

7. Please provide the following information for each Form 471 Block 5 (Discount Funding Request) item for which the Billed Party is indicating that the named service provider may begin submitting invoices to SLB. You will need your FCDL for some of the information required below.

Remember: The PRIs listed below must be from the same Funding Year as is listed in Block 1, Item 3.

If you need additional pages, please label them 4A, 4B, 4C, etc. and indicate the number in the space provided below. Page 4

(A) 471 Application Number From FCDL	(B) Funding Request Number (PRN) From FCDL	(C) Billing Account Number (if contained on your FCDL)	(D) Service Provider Name from FCDL	(E) Service Provider Identification Number (SPIN) From FCDL	(F) Funding Year Service Start Date* (Earliest Date that Discounts Will Begin) (*Cannot be before July 1 of the Funding Year for which you are requesting discounts)
1	245714	606770	Nextiva One	143004436	06092003
2	245714	606794	Nextiva One	143004436	06092003
3					
4					
5					
6					
7					
8					

Contact Person Rene Castaneda

Phone Number 602-243-4800

Applicant's Form 486 Number 1205-100-486

Entity Number

142913

Applicant's Form Identifier

Nextira 486

Contact Person

Rene Castaneda

Phone Number

602-243-4800**Block 4: Certifications and Signature**

8. I certify that the technology plan(s) for the services received as indicated on this Form 486 have been approved as necessary. Fill in the name(s) of the organization(s) that reviewed and approved a technology plan for any eligible entity that is receiving services covered under this form; attach an additional list if necessary. IF ALL of the FRNs listed herein are for basic telephone service only, write in "none" here.

Arizona Department of
Education

9. I certify that the services listed on this Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this Form 486 except for those services provided under tariff or month-to-month arrangements. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
10. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for five years any and all records, including Forms 479 where required, that I rely upon to complete this form and, if audited, will make available to the Administrator such records.

NOTES FOR COMPLETING THE CERTIFICATIONS IN ITEM 11

A Billed Entity who is the Administrative Authority must check Item 11a or 11b or 11c. Check only ONE item. If the Billed Entity is not the Administrative Authority, skip to Item 11d.

A Billed Entity who represents one or more Administrative Authorities must check Item 11d or 11e. (See the Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities.")

A Billed Entity who represents one or more Administrative Authorities in Funding Years after Funding Year 2001 and who checks Item 11d must check Item 11f or 11g. (See the Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities.")

IF THIS FORM PERTAINS TO A FUNDING YEAR PRIOR TO FUNDING YEAR 2001 (THE FUNDING YEAR BEGINNING JULY 1, 2001), SKIP TO ITEM 12.



Entity Number

142913

Applicant's Form Identifier

Nextira 486

Contact Person

Rene Castaneda

Phone Number

602-243-4800**11. FOR A BILLED ENTITY WHO IS THE ADMINISTRATIVE AUTHORITY:**

I certify that as of the date of the start of discounted services:

- a. ☒ the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (i).
- b. pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (i), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486:

(FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.

(FOR FUNDING YEAR 2003 ONLY: FOR LIBRARIES IN THE SECOND OR THIRD FUNDING YEAR FOR PURPOSES OF CIPA) is (are) in compliance with the requirements of CIPA under 47 U.S.C. § 254(i) and undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA under 47 U.S.C. § 254(h) for the next funding year.

- c. the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (i), does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) receiving discount services only for telecommunications services.

FOR A BILLED ENTITY WHO REPRESENTS ONE OR MORE ADMINISTRATIVE AUTHORITIES¹:

- d. I certify as the Billed Entity for the consortium that I have collected duly completed and signed Forms 479 from all eligible members of the consortium.
- e. I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (i), do not apply.

For Funding Years after Funding Year 2001: If you checked Item 11d above, check ONE of the boxes below:

- f. I certify that some or all of the eligible consortium members checked Form 479 Item 6d or Item 6e to seek a CIPA Waiver, and upon request from the Administrator I can provide this information; OR
- g. I certify that no eligible consortium members checked Form 479 Item 6d or Item 6e to seek a CIPA Waiver.

The certification language above is not intended to fully set forth or explain all the requirements of the statute.

- ¹ See the Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities."



Entity Number

142913

Contact Person

Rene Castaneda

Applicant's Form Identifier

Nextira 486

Phone Number

602-243-4800

I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

12. Signature of authorized person

Grace Wright, Ed D

13. Date

08252003

14. Printed name of authorized person

Dr. Grace Wright

15. Title or position of authorized person

Interim Asst. Superintendent

16a. Street Address, P.O. Box, or Route Number

6000 S. 7th street

City

Phoenix

State

Zip Code

AZ

85042

16b. Telephone number of authorized person

602 243 4800

Extension

16c. Fax number of authorized person

16d. Email address of authorized person

Please submit this form to:

SLD-Form 486

P. O. Box 7026

Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, send this form to:

SLD-Form 486

c/o Ms. Smith

3833 Greenway Drive

Lawrence, Kansas 66046

888-203-8100



Attachment 4

Installation Branch:

Customer Number	Installation	Federal Tax ID	Invoice Date
		78 053 4950	12/18/03
Project Number	P.O. Number	Terms	
		Due upon receipt	

nextiraOne

Installation Invoice Number
18427-KC

Billing Address
ROOSEVELT SCHOOL DISTRICT
6000 S 7TH ST
PHOENIX, AZ 85040

Site Address
Various

Please return this portion with your payment

Customer:	Invoice Date:	12/18/03	P.O. Number:
Project:	Due Date:	12/18/03	Tax Exempt Id:
System Type:	Payment Terms:	Due upon receipt	Salesperson:
	Invoice Amount:	\$ 1,797,309.39	

NSI/JCO	DESCRIPTION	UNIT PRICE	TOTAL
	Internal Connections FRN 606794		\$ 1,797,309.39

Subtotal \$ 1,797,309.39
TAX
TOTAL DUE \$ 1,797,309.39

This invoice is subject to the Terms and Conditions of the Purchase Agreement, if applicable, otherwise balance due 30 days after Invoice Date. 1.5% Monthly Service Charge (18% per annum) plus collection costs after maturity.

Remit to
NEXTIRAONE LLO
21398 NETWORK PLACE
CHICAGO, IL 60673-1213

Attachment 5

Service Certification

Service Provider Name	NextiraOne LLC
Service Provider SPIN	143004436
Service Provider Invoice #	16427-KC
Undiscounted Invoice Amount	\$1,924,128.96
Discounted Invoice Amount	\$1,731,716.06
Applicant Name	Roosevelt Elem School District 66
Representative / Contact Name	Rene Castaneda
Representative / Contact Title	Director of Technology
Representative / Contact Phone	602-242-4878
Billed Entity Number (BEN)	97310
471#	245714
FRN#	606794
Date Services Delivered and Installed (mm/dd/yyyy)	12-19-2002

This is to certify that I am authorized to represent the above named applicant. This is also to certify the services described on the attached vendor invoice were delivered and installed.

OR

The charges represented by the above represented invoice are deposits or up-front charge for services, which have not been delivered, and have been agreed to based on the contract between the above referenced Applicant and Service Provider

Signed: <u>Rene Castaneda</u>	Signed: _____
Date: <u>2-24-2004</u>	Date: _____
Copy of detailed vendor invoice must be attached	Copy of supporting contract must be attached if indicated below Supporting Contract Required YES NO

** To be completed by applicant.

Attachment 6

Cycle 5417

0143004436 0001 P01 BP0 1N0000 ML1 IH0000 AL01
NextiraOne LLC
ATTN : Gene Barnette
2800 Post Oak Suite 200 MD 25-2
Houston TX 77056

SPIN # 143004436 USAC REFERENCE # C000183065
11/05/2004

STATEMENT DATE

11/05/2004 143004436 606794 16427-KC
.00

SLD Invoice Number:457366;Line Item Detail Number:
1579357;Amount Requested:1797309.39;Svc Rcvd Dt
before Late 486 Adj Start Dt;319;

11/05/2004 143004436 608311 16429-KC
.00

SLD Invoice Number:439377;Line Item Detail Number:
1485848;Amount Requested:168041.53;FRN Reviewed
and failed;222;

11/05/2004 143004436 608531 16430-KC
.00

SLD Invoice Number:439378;Line Item Detail Number:
1485849;Amount Requested:89312.80;FRN Reviewed and
failed;222;

11/05/2004 143004436 609303 16431-KC
.00

SLD Invoice Number:439379;Line Item Detail Number:
1485850;Amount Requested:117509.20;FRN Reviewed
and failed;222;

11/05/2004 143004436 609533 16432-KC
.00

SLD Invoice Number:439380;Line Item Detail Number:
1485851;Amount Requested:129007.19;FRN Reviewed
and failed;222;

11/05/2004 143004436 610089 16434-KC
.00

SLD Invoice Number:439382;Line Item Detail Number:
1485853;Amount Requested:95299.46;FRN Reviewed and
failed;222;

11/05/2004 143004436 610297 16436-KC
.00

SLD Invoice Number:439386;Line Item Detail Number:
1485857;Amount Requested:23815.79;FRN Reviewed and
failed;222;

11/05/2004 143004436 655514 16381-KC
.00

SLD Invoice Number:439390;Line Item Detail Number:
1485867;Amount Requested:20355.29;FRN Reviewed and
failed;222;

.00

Direct questions to USAC Customer Service Bureau 888-641-8722 PG 1 OF
1

Attachment 7

**DLA PIPER RUDNICK
GRAYCARY**

DLA Piper Rudnick Gray Cary US LLP
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
T 202.861.3900
F 202.223.2085
W www.dlapiper.com

THOMAS F. O'NEIL III
thomas.oneil@dlapiper.com
T 202.861.6685 F 202.689.7436

January 4, 2005

By Facsimile and Overnight Delivery

Letter of Appeal
Schools and Libraries Division
Universal Service Administrative Company
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Appeal of Denial of Invoice No. 457366

Dear Sir or Madam:

NextiraOne, LLC (the "Company"), by and through its attorneys, and pursuant to Section 54.719 of the rules of the Federal Communications Commission, 47 C.F.R. § 54.719, and the procedures of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") set forth at www.sl.universalservice.org/reference/appealsprocedure.asp, hereby appeals the SLD's November 5, 2004 denial of Invoice No. 457366, associated with Funding Request Number ("FRN") 606794 for Funding Year 4 (July 1, 2001 – June 30, 2002).¹

The stated reason for the denial of Invoice No. 457366 was "Service Received Date before Late 486 Adjusted Start Date." See Attachment 1 (Remittance Statement, USAC Reference # C000183065, dated November 5, 2004). Separately, counsel for the Company has been informed that the basis for the denial is that Roosevelt Elementary School District No. 66 (the "Applicant") indicated that service started on December 19, 2002, a date which was prior to

¹ The Company's applicable Service Provider Identification Number ("SPIN") is 143004436. The Billed Entity is Roosevelt Elementary School District #66, the Billed Entity Number is 142913, and the Form 471 application number is 245714.



the permissible adjusted Service Start Date of April 28, 2003.² As shown below, the Company's records demonstrate that the Service Start Date in fact occurred in June 2003. Consequently, we respectfully ask USAC to reconsider the denial and to confirm that Invoice No. 457366 is eligible for payment.

On February 6, 2003, the Company issued invoices to the Applicant for the non-discounted portion of the Applicant's purchase. See Attachment 2.³ The Applicant paid the invoiced amounts on or about February 18, 2003. See Attachment 3 (copy of Applicant's check # 430085596, and attached reconciliation to the Company's invoices).

In June 2003, the Company installed the equipment associated with Invoice No. 457366. The work was performed at 13 separate Applicant locations;⁴ for each site, the Company obtained from the Applicant a Certificate of Delivery and Acceptance ("D&A"). See Attachment 4. The D&As show that installation occurred on June 16, 2003 for five sites and on June 23, 2003 for eight sites. *Id.* By signing the D&A, the Applicant "accept[ed] the Equipment and software ... as installed and acknowledge[d] that the System is in operation in accordance with the manufacturer's specifications." *Id.* Thus, the D&As demonstrate that the Service Start Date occurred after the permissible adjusted start date of April 28, 2003. Additional evidence that the Service Start Date occurred after April 28, 2003 is the Form 486, Receipt of Service Confirmation Form, which the Applicant submitted to USAC on or about August 25, 2003, and which indicates a service start date of June 9, 2003. Attachment 5, at p. 4.

On or about January 28, 2004, the Company submitted the subject invoice (which bears the Company's internal reference number 16427-KC) to USAC. See Attachment 6. Contemporaneously, the Company sent to the Applicant a Service Certification form, see Attachment 7, showing a Discounted Invoice Amount of \$1,797,309.39. The Applicant adjusted the Discounted Invoice Amount to \$1,731,716.06, apparently to reflect minor changes in the installed equipment, and signed the Service Certification form on February 24, 2004. See Attachment 8. The executed form states that "the services described on the attached vendor invoice were delivered and installed" as of December 19, 2002. *Id.* The Applicant signed and

² Inasmuch as the basis for the denial is not fully set forth in the "decision" that constitutes the denial, this appeal is without prejudice to the Company's rights to address and seek review of factual and legal matters not set forth in Attachment 1.

³ These invoices bear a date-stamp indicating that they were received in the Applicant's business offices on February 13, 2003.

⁴ The 13 locations are Brooks, Chavez, Conchos, Greenfield, J. F. Kennedy, Jorgensen, Julian, M. L. King, Rosa Linda, Sierra Vista, Southwest, Sunland, and Valley View.

**DLA PIPER RUDNICK
GRAYCARY**

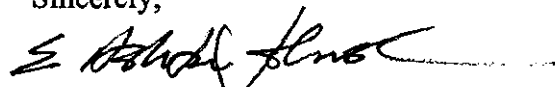
Letter of Appeal
Schools and Libraries Division
Universal Service Administrative Company
January 4, 2005
Page 3

returned the Service Certification form to the Company. The Company does not know if the Applicant also sent a copy to USAC. Nor does the Company know why the Applicant indicated a Service Start Date of December 19, 2002, which is not consistent with the D&As or the Form 486 that the Applicant had previously submitted to USAC. In any event, the Company anticipates that the Applicant will shortly provide to USAC a revised Service Certification form for FRN 606794, reflecting a Service Start Date consistent with the Applicant's and the Company's records.

This appeal is supported by the Declaration of George Vareldzis, the Company's Vice President, Finance Administration, attached hereto. Mr. Vareldzis is the Company representative who can most readily discuss this appeal with USAC; he may be contacted at the Company's offices at 2800 Post Oak Boulevard, Houston, Texas 77056, telephone (713) 307-6924, facsimile (713) 393-8988, george.vareldzis@nextiraone.com. However, we ask that all communications with Mr. Vareldzis or anyone else at the Company regarding this matter first be directed to undersigned counsel.

Please contact us with any questions regarding this matter.

Sincerely,



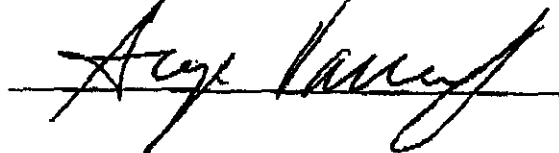
Thomas F. O'Neil III
E. Ashton Johnston

Attachments

DECLARATION

I, George Vareldzis, hereby declare under penalty of perjury of the laws of the United States of America that.

1. I am the Vice President, Finance Administration, of NextiraOne, LLC ("NextiraOne").
2. I am the person at NextiraOne most familiar with the matters discussed in NextiraOne's foregoing appeal of the denial by the Schools and Libraries Division of the Universal Service Administrative Company of Invoice No. 457366.
3. I have read and am familiar with the foregoing appeal, and the information set forth therein is true and correct to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read "George Vareldzis", is written over a horizontal line.

Dated: January 4, 2005

Attachment 8



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Invoice Appeal

February 10, 2005

E. Ashton Johnston
DLA Piper Rudnick Gray Cary US LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

Re: Your appeal of the reduction/denial of your invoice

SLD Invoice Number: 457366
471 Application Number: 245714
Funding Request Number(s): 606794
Correspondence Dated: January 4, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one SLD Invoice Number, please note that for each invoice for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 606794
Decision on Appeal: **Denied in full**
Explanation:

Information provided indicated that services were delivered outside the dates for which discounts applied. You did not demonstrate otherwise in your appeal. Consequently SLD denies your appeal because these services were not delivered within the program rules for the service delivery period. Ref. 47 C.F.R. 54.507.d

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445

12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

cc: Robin Beaty, NextiraOne, LLC
Javier Baca, Roosevelt Elementary School District 66

CERTIFICATE OF SERVICE

I, Jennifer A. Short, hereby certify that a true and correct copy of the foregoing Request for Review was sent this 8th day of April, 2005 via Hand Delivery or U.S. Mail, First Class postage pre-paid, to each of the following:

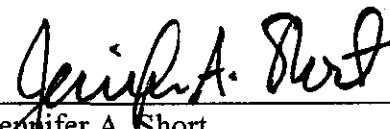
Marlene H. Dortch, Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, SW
Washington, DC 20554

Jeffrey Carlisle, Chief
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Narda Jones, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

D. Scott Barash
Vice President and General Counsel
Universal Service Administrative Company
Suite 600
2120 L Street, NW
Washington, DC 20037

Elizabeth Bernal
Roosevelt Elementary School District
6000 South 7th Street
Phoenix, AZ 85040



Jennifer A. Short